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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,377	11/12/2003	Erol Bozak	09700.0012-00	6379

22852   7590   02/28/2007

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EXAMINER
DASGUPTA, SOUMYA

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	0/706,377	BOZAK ET AL
	Examiner	Art Unit	
	Soumya Dasgupta	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *See Continuation Sheet*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/11/2004, 6/17/2005, 4/7/2004, 4/23/2004.

DETAILED ACTION

This is a response to the following case application:

Non-provisional Application No 10/706,377 filed on November 12, 2003.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

2.   Claim 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is not

directed to one of the four statutory categories of invention and are thus non-statutory.

Furthermore, claims 1-6 has judicial exception (abstract), but it fails to provide a

practical application and thus does not produce a tangible result. Furthermore, in

claims 1-6, the GUI is a non-functional descriptive matter and is thus non-statutory.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Regarding claim 4, the phrase "or the like" renders the claim(s) indefinite

because the claim(s) include(s) elements not actually disclosed (those encompassed by

"or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP

§ 2173.05(d). The term "matrix-like structure" is an indefinite term.

5.   Claim 4, 7 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention because claims 4, 7, the phrase "inferior relation"

renders the claims vague and indefinite because such a determination is subjective and

thus unclear.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Vaid

et al (US 6,502,131).

With respect to claim 4, Vaid teaches that FIG. 19 illustrates a graphical user

interface (GUI) that is a matrix-like structure with columns and rows (examiner notes

that the GUI presented has columns and rows), each column representing a computer

from a set of computers in the computer grid (row number 1091 has a column of

computers), each computer from the set of computers having a grid manager (a grid

manager can be inferred into the system), and each row representing a grid manager or other application service (row number 1907 can be represented as a row with a service), positions of labels in the structure indicating which computer currently runs which grid manager or other application service (GUI includes labels); a column representing a first computer from the set of computers running a first grid manager (row number 1901 represents a computer which can be inferred to be from a set of computer running a grid manager or service); and one or more columns representing one or more computers from the set of computers running one or more grid managers having an inferior relation with the first grid manager (the term "inferior relations" is subject and thus unclear); and with respect to claim 6 Vaid teaches that in FIG. 19 illustrates a graphical user interface (GUI) that the rows representing application services are structured by application class.

With respect to claim 6, Vaid teaches that FIG. 19 illustrates a graphical user interface (GUI) where the rows representing application services are structured by application class (see rows labeled Rule ~1901, Sender~1903, Receiver~1905, etc).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

10.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

11.   Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Muller et al (US 6,256,740) in view of Vaid et al (US 6,502,131).

Muller teaches displaying a list structure with columns and rows and using

(column 21, line 55 - col 22, line 34, Table VIII); the rows structured hierarchically

according to its service instantiation (col 40, lines 55-67).

Muller fails to teach rows and columns representing services in a grid computing

network, and hierarchical structure with respect to an application where a service

belong, a type of service and concrete service instances and the columns represent grid

nodes in a graphical user interface.

Vaid teaches displaying a list structure with columns and rows and using a

graphical user interface (Fig. 19).

Vaid teaches rows and columns representing services in a grid computing

network, and hierarchical structure with respect to an application where a service

belong, a type of service and concrete service instances and the columns represent grid

nodes for the purpose of teaching a hierarchical grid network (Fig. 19).

It would have been obvious to one having ordinary skill in the art at the time of

the Applicant's invention to have modified the invention of Muller with the rows and

columns representing services in a grid computing network and the hierarchical

structure therein with respect to an application where a service belongs, a type of

service and a concrete service instances as taught by Vaid because it allows the user to

make a grid network computation with service hierarchy in graphical user interface form.

Muller and Vaid are analogous because a service or application hierarchical

structure.

12.   Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid et al

(US 256,740) in view of Microsoft Excel 2000.

Vaid teaches the invention of claim 4 as discussed above.

Vaid fails to teach a shrinkable structure that hides the labels representing grid

managers or other application services in the matrix-like structure.

Microsoft Excel 2000 teaches that a shrinkable structure that hides the labels representing grid managers or other application services in the matrix-like structure for the purpose of hiding labels for columns and rows (pg. 67-68).

It would have been obvious to one having ordinary skill in the art to modify Vaid with adjustable rows, columns, or headers to hide labels for a shrinkable structure as taught by Microsoft Excel 2000 because it allows the user to hide labels by shrinking them thereby simplifying the display.

Vaid and Microsoft Excel 2000 are analogous because they both teach GUIs representing columns and rows.

13.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (6,256,740) in view of Vaid et al (US 256,740).

With respect to claim 7, Muller teaches viewing a sub grid network of a grid network, the sub grid network representing a root node and nodes with inferior relations to the root node, the nodes representing grid managers managing one or more services running on computers in the grid network name (column 17, lines 21-37); querying a grid manager representing the root node for its status and addresses of nodes with inferior relations (the examiner notes that the querying between two nodes anticipates receiving a request); querying inferior grid managers for current status (column 3, lines 34-42, column 39, lines 49-64).

Muller fails to teach a displaying state of the root and inferior grid managers and for each grid manager, a computer system running the grid manage.

Vaid teaches that in FIG. 19 illustrates a state of the root and inferior grid

managers and for each grid manager, a computer system running the grid manager.

It would have been obvious to one having ordinary skill in the art to modify Muller

to display a state of the root and inferior grid managers and for each grid manager, a

computer system running the grid manager as taught by Vaid because it allows the user

to display the current function and relations of grid managers and nodes.

Muller and Vaid are analogous because they both teach the grid management

systems.

Double Patenting

14.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).
        This is a <u>provisional</u> obviousness-type double patenting rejection.

15.   Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1,3 of copending Application No.

10/712,886.

Claims 1 and 3 of application 10/712,886 (from hereon referred to as 712)

teaches a graphical user interface (GUI) comprising: a structure with columns and

rows, each of the rows representing services in a grid computing network, (Claim 1 of

712 states that the graphical user interface (GUI) comprising: a graph with edges and

vertices, the vertices representing grid nodes and the edges representing an

association of two grid nodes in a grid computing network), the rows structured

hierarchically with respect to an application where a service belongs, a type of service

and concrete service instances (Claim 3 of 712 states that the association is

hierarchical).

Claims 1 and 3 of 712 fail to teach columns and rows.

Vaid teaches columns and rows representing services in a grid computing

network, and hierarchical structure with respect to an application where a service

belong, a type of service and concrete service instances and the columns represent

grid nodes for the purpose of teaching a hierarchical grid network (Fig. 19).

It would have been obvious to one having ordinary skill in the art to modify 712 to

graphical user interface (GUI) comprising: a structure with columns and rows (in place

of the edges and vertices), each of the rows representing services in a grid computing

network, the rows structured hierarchically with respect to an application where a

service belongs, a type of service and concrete service instances as taught by Vaid

because the two types of structures are well known equivalents.

16.   Claims 4 and 5 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claim 4 of copending

Application No. 10/712,886 in view of Vaid (US 6,502,131).

Claims 4 and 5 of application 10/712,886 (from hereon referred to as 712) teache

a graphical user interface (GUI) describing a set of services managing a portion of a

computer grid, the GUI comprising: a matrix-like structure with columns and rows, each

column representing a computer from a set of computers in the computer grid (Claim 4

of 712 states a graph with vectors and nodes for visualizing a computer grid); each

column representing a computer from a set of computers in the computer grid [and] a

column representing a first computer from the set of computers running a first grid

manager (Claim 4 of 712 states that the nodes representing computers running grid

managers); each computer from the set of computers having a grid (Claim 4 of 712

states that the vectors representing relations between pairs of grid managers); each

row representing a grid manager or other application service and positions of labels in

the structure indicating which computer currently runs which grid manager or other

application service (Claim 4 of 712 states to generate a display showing the

management services running on the computer); and one or more columns

representing one or more computers from the set of computers running one or more

grid managers having an inferior relation with the first grid manager (Claim 4 of 712

states that each of the relations defining a first grid manager to be superior to a second

grid manager and a vector points from a node representing the first grid manager to a node representing the second grid manager); and also teaches a shrinkable structure that hides the labels representing grid managers or other application services (Claim 4 of 712 states an expandable structure showing computer grid applications), respectively.
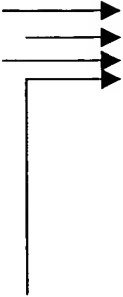
Claim 4 of 712 fails to teach a graph with vectors and nodes, each column representing a computer from a set of computers in the computer grid, each row representing a grid manager or other application service, and a column representing a first computer from the set of computers.

Vaid teaches columns and rows for the purpose representing them with computers and applications services in Fig 19.

It would have been obvious to one having ordinary skill in the art to modify 712 with columns and rows in place of edges, vertices, nodes, and vectors as taught by Vaid because they are both analogous when representing computers and application services.

It would have been obvious to one having ordinary skill in the art to modify 712 as a shrinkable structure because the opposite of a shrinkable structure is an expandable structure.

17.   Claim 7 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of copending Application No. 10/712,886 and further in view of Vaid (US 6,502,131).

Claim 5 of application 10/712,886 (from hereon referred to as 712) teaches a

method comprising: receiving a request to view a sub grid network of a grid network

(Claim 5 of 712 states receiving a request to visualize a grid network with at least one

node from a set of linked nodes); the sub grid network representing a root node and

nodes with inferior relations to the root node and displaying a state of the root and

inferior grid managers and for each grid manager, a computer system running the grid

manager (Claim 5 of 712 states displaying nodes corresponding to the grid managers

in the first list and drawing vectors from the grid manager to the grid managers in the

first list of grid managers); the nodes representing grid managers managing one or

more services running on computers in the grid network (Claim 5 of 712 states the

nodes representing computers running grid managers and vectors representing

relations between pairs of grid managers); querying a grid manager representing the

root node for its status and addresses of nodes with inferior relations and querying

inferior grid managers for current status (Claim 5 of 712 states sending a first query to

the grid manager requesting a first list of grid managers having an inferior relation to

the root node).

Claim 5 of 712 fails to teach nodes representing grid managers.

Vaid teaches nodes representing grid managers for the purpose representing

them with computers and application services in Fig 19.

It would have been obvious to one having ordinary skill in the art to modify 712

with columns and rows in place of nodes as grid as taught by Vaid because they are

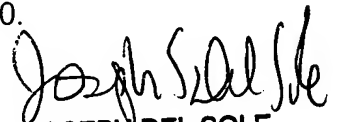both represented with computers and application services.

Conclusion

18.   The prior art made of record is considered pertinent to applicant's disclosure.

Bozak et al (2005/0027813).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Soumya (Ronnie) Dasgupta whose telephone number

571-272-7432. The examiner can normally be reached on M-F 7:30a – 5:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Del Sole can be reached on 571-272-1130. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JOSEPH DEL SOLE
SUPERVISORY PATENT EXAMINER

2\13\07